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Paper No. None

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**JUN 05 2006**

**OFFICE OF PETITIONS**

In re Application of :  
James W. Huffman :  
Application No. 10/804,999 : DECISION ON PETITION UNDER  
Filed: March 23, 2004 : 37 C.F.R. §1.137(B)  
Attorney Docket Number: :  
HUFFMAN, JAMES W. :  
Title: METHOD AND TOOL SYSTEM :  
FOR PLASTIC PIPE REPAIR :

This is a decision on the petition filed July 5, 2005, pursuant to 37 C.F.R. §1.137(b)<sup>1</sup>, to revive the above-identified application.

The office regrets the delay in issuing this decision.

The above-identified application became abandoned for failure to submit the issue and publication fees in a timely manner in reply to the Notice of Allowance and Issue Fee Due, mailed December 3, 2004, which set a shortened statutory period for reply of three (3) months. No extensions of time are permitted for transmitting issue or publication fees<sup>2</sup>. Accordingly, the above-identified application became abandoned on March 4, 2005. A Notice of Abandonment was mailed on May 3, 2005.

<sup>1</sup> A grantable petition pursuant to 37 CFR 1.137(b) must be accompanied by:

- (1) The reply required to the outstanding Office action or notice, unless previously filed;
- (2) The petition fee as set forth in § 1.17(m);
- (3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional, and;
- (4) Any terminal disclaimer (and fee as set forth in § 1.20(d)) required pursuant to paragraph (d) of this section.

<sup>2</sup> See MPEP §710.02(e).


37 C.F.R. §1.137(b)(3) requires a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 C.F.R. §1.137(b) was unintentional. Since the statement contained in the instant petition varies from the language required by 37 C.F.R. §1.137(b)(3), the statement contained in the instant petition is being construed as the statement required by 37 C.F.R. §1.137(b)(3) and petitioner must notify the Office if this is not a correct interpretation of the statement contained in the instant petition.

The present petition was received on July 5, 2005, along with the petition fee, the publication fee, the issue fee, and a statement which is being construed as the proper statement of unintentional delay. No terminal disclaimer is required.

As such, the petition is **GRANTED**.

The Office of Patent Publications will be notified of this decision, so that the present application can be processed into a patent.

The general phone number for the Office of Petitions which should be used for status requests is (571) 272-3282. Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225.

  
**Paul Shanowski**  
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Office of Petitions  
United States Patent and Trademark Office